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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 18, 1995
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Acting Assistant City Manager/Public Works Director Ronsko, Community Development Director Schroeder, Police Chief Hansen, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Chuck Plumb, Church of the Nazarene.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Police Chief Hansen and Police Volunteer Coordinator Jeanie Biskup introduced the 6th graduating class of the Lodi Police Partners Program. This brings the total to 90 Partners in the Program, which is fast approaching the goal of 100. Another class will begin in March 1996. Police Chief Hansen announced that the City of Lodi placed second in the category of cities with a population of 30,000 - 99,000 for National Night Out. Further, Police Chief Hansen made Council aware that the Police Department did a couple of intense sweeps dealing with drug and gang activity in the City of Lodi, which was quite successful. The Police Department will continue to periodically conduct similar sweeps.
FILE NO. CC-152

5. ACTION ON PUBLIC HEARING REGARDING SIGN ORDINANCE

- a) Mayor Mann announced that, pursuant to staff's request, the Public Hearing regarding the Planning Commission's recommendation that amendments be made to the portion of Title 17, "Zoning Ordinance" dealing with "On-Premise Signs" will be continued to the Regular Council meeting of November 15, 1995. Further, the matter will be discussed at the Shirtsleeve Session of October 31, 1995.

Therefore, the City Council, on motion of Council Member Sieglock, Pennino second, unanimously continued the public hearing to consider the Planning Commission's recommendation that amendments be made to the portion of Title 17, "Zoning Ordinance" dealing with "On-Premise Signs" to November 15, 1995.
FILE NO. CC-53(a) AND CC-171

Continued October 18, 1995

6. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Randy Bauer, Chairperson, Grape Bowl Classic, 2439 Rockingham Circle, Lodi, commented on Consent Calendar item #E-10 entitled, "Waiver of rental fee for use of the Lodi Grape Bowl by the Grape Bowl Classic". Mr. Bauer spoke in favor of granting this one-time request.
FILE NO. CC-27(c) AND CC-40
- b) Walter Pruss, 2421 Diablo Drive, Lodi, commented on Consent Calendar items #E-16 entitled, "Class specification for Community Development Director" and #E-17 entitled, "Class specification and salary range for Community Improvement Manager". Mr. Pruss questioned the salary range of the current Community Development Director and how it compares to the Community Improvement Manager, and further what the differences are between the two positions. It was explained that the Community Improvement Officer is the person who will be handling code enforcement.
FILE NO. CC-34

7. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Sieglock, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,714,219.67.
FILE NO. CC-21(a)
- b) The Minutes of October 4, 1995 (Regular Meeting) were approved as written.
- c) Approved the specifications for bids for tractor/loader with backhoe for the Water/Wastewater Division and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- d) Adopted Resolution No. 95-128 awarding the purchase of a four-wheel drive pickup truck for the Water/Wastewater Division of the Public Works Department from Stan Morris Ford-Mercury-Chrysler-Plymouth-Dodge in Tracy, California, in the amount of \$19,303.77.
FILE NO. CC-12(d) AND CC-300
- e) Adopted Resolution No. 95-129 awarding the purchase of one 55-foot Class 1, and thirty-two 45-foot Class 3 wood utility poles to the low bidder, J. H. Baxter & Company of San Mateo, in the amount of \$12,930.00.
FILE NO. CC-12(d) AND CC-300
- f) Agenda item #E-6 entitled, "Purchase of network server and associated equipment for Parks and Recreation Department" was pulled from the agenda pursuant to staff's request.
- g) Agenda item #E-7 entitled, "Purchase of network workstations for Parks and Recreation Department" was pulled from the agenda pursuant to staff's request.
- h) Agenda item #E-8 entitled, "Purchase of Computer Assisted Drafting (CAD) workstation, software and plotter for the Parks Division" was pulled from the agenda pursuant to staff's request.

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- i) Agenda item #E-9 entitled, "Standardization of bus stop shelters" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- j) Waived rental fee and 5% gross gate fee for use of the Lodi Grape Bowl by the Grape Bowl Classic (formerly Lodi/Tokay Band Review).
FILE NO. CC-27(c) AND CC-40
- k) Agenda item #E-11 entitled, "Resolution in opposition to the public auction of Federal Power Marketing Administration" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- l) Agenda item #E-12 entitled, "Authorize City Manager, Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California regarding City credit cards" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- m) Approved fourteen month comprehensive grant writing service contract with Griffin Grant Writing and Consulting and authorized the City's Contingency Fund as the funding source for the \$40,000.
FILE NO. CC-6, CC-21(a) AND CC-90
- n) Agenda item #E-14 entitled, "Approval of Management Team Workshop" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- o) Adopted Resolution No. 95-135 approving the class specification for Finance Director.
FILE NO. CC-34 AND CC-300
- p) Adopted Resolution No. 95-136 approving the class specification for Community Development Director.
FILE NO. CC-34 AND CC-300
- q) Adopted Resolution No. 95-137 approving the class specification and the salary range shown below for Community Improvement Manager:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$3,057.45	\$3,210.44	\$3,370.82	\$3,539.43	\$3,716.37

 FILE NO. CC-34 AND CC-300
- r) Agenda item #E-18 entitled, "Reallocation of Risk Management Technician position to Risk Manager" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)
- s) Agenda item #E-19 entitled, "Reallocate 1995/96 Community Development Block Grant (CDBG) entitlement funds from the project 'Alley/Residential Street Improvements' to the new project 'Eastside Water and Sanitary Upgrade'" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)

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- t) Agenda item #E-20 entitled, "Resolution supporting the League of California Cities' resolution on sales tax redistribution to increase the amount received by cities to 2%" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock).
- u) Received Memorandum of Understanding (MOU) between the City of Lodi and the Lodi Police Dispatchers Association (LPDA) for the period from July 1995 to July 1998.
FILE NO. CC-34

8. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, standardized on a bus stop shelter manufactured by Daytech Manufacturing Inc. by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-20, CC-47 AND CC-50(a)
- b) The City Council, on motion of Council Member Sieglock, Davenport second, adopted Resolution No. 95-133 expressing opposition to the public auction of Federal Power Marketing Administrations and related facilities with addition of stronger language to help the City's position which will be drafted by the Electric Utility Director with review by Council Member Warner, who represents the City at Northern California Power Agency (NCPA) by the following vote:

Ayes: Council Members - Davenport, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - Pennino
Absent: Council Members - None

Council Member Pennino stated for the record that he voted "No" on this matter, because he would like to review the amended Resolution. Mr. Pennino feels the Federal government should stay out of utilities.
FILE NO. CC-51(d) AND CC-300
- c) The City Council, on motion of Mayor Mann, Pennino second, unanimously authorized the City Manager, Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of City credit cards to certain staff members.
FILE NO. CC-21(a) AND CC-90
- d) Following a lengthy discussion on the matter, Council Member Pennino made a motion, Mann second, to adopt a Resolution approving the funding for the Teambuilding Management Workshop; however, the motion **failed** by the following vote:

Ayes: Council Members - Pennino and Mann (Mayor)
Noes: Council Members - Davenport, Sieglock and Warner
Absent: Council Members - None

FILE NO. CC-34

- e) The City Council, on motion of Council Member Sieglock, Davenport second, unanimously adopted Resolution No. 95-134 approving the reallocation of the vacant Risk Management Technician position to Risk Manager (to be placed in the mid-management benefit group), approved the class specification and salary range shown below and approved part-time clerical help to assist in the implementation of the program:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$3,784.43	\$3,973.65	\$4,172.33	\$4,380.95	\$4,600.00

FILE NO. CC-34 AND CC-300

- f) The City Council, on motion of Council Member Davenport, Warner second, unanimously approved the reallocation of \$50,000 from the Community Development Block Grant (CDBG) funds from the "Alley/Residential Street Improvements" program to the proposed "Eastside Water and Sanitary Upgrade" project. This project will address underground utilities in the target area which are no longer capable of meeting service demands.
FILE NO. CC-55

- g) Following discussion regarding the matter, Council Member Warner made a motion, Davenport second, to adopt Resolution supporting the League of California Cities' resolution on sale tax redistribution to increase the amount received by cities to 2%; however, the motion and second was **withdrawn**.

Council concurred that Council Member Warner, who will be representing the City of Lodi at the upcoming League of California Cities Annual Conference in October, will express the City of Lodi's support for the League's resolution *including* its desire that any additional percentage of money *not* come from the County. Therefore, no action was taken on this matter.

FILE NO. CC-7(i)

9. RECESS

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 8:49 p.m.

10. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the continued Public Hearing to consider downzoning of East Lodi Avenue on the north side of the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side, 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial to C-1, Neighborhood Commercial.

Hearing Opened to the Public

1. Dick Neuman, 910 Cologne Court, Lodi, explained that his concerns may have been cleared up by Community Development Director Schroeder and believes that this might be the right decision;
2. Colleen Dixon, member of the East Side Improvement Committee, 333 Hilborn Street, Lodi, expressed support in downzoning East Lodi Avenue. If the City is serious about the Cherokee Lane and downtown revitalization, it needs to clean up the corridors to the revitalization area. Businesses that keep its product outside is unattractive, and, in the case of the tires along the road, is also a hazard;

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3. Gary Buzunes, 964 Lucas Road, Lodi, who is a property owner in this area, expressed his opposition to the downzoning. The fact that the businesses will be grandfathered in will keep these types of businesses there for a while, and any changes will not happen for a long time. It was suggested that maybe a group of people including the East Side Improvement Committee talk to the property owners to change;
4. Nick Flores, 9 South Mills Avenue, Lodi, owns two properties on Lodi Avenue. Mr. Flores is opposed to the downzoning, because it is unfair to do this due to a few parcels who ruin it for everyone else.
5. Virginia Lahr, 311 East Elm Street, Lodi, expressed her support of the downzoning because she sees this as another tool to get the properties cleaned up and new businesses located to that area. Ms. Lahr feels there is discrimination in Lodi. For example, it was determined Walmart could not have its store colors on the west side; however, on the east side a pink store was allowed;
6. Virginia Snyder, member of the East Side Improvement Committee, P.O. Box 2444, Lodi, also expressed support for the downzoning of East Lodi Avenue, otherwise non-conforming businesses will continue to grow and will run down the area;
7. Mary Lehr, 1250 Edgewood Drive, Lodi, owns property in this area and opposes the recommended downzoning. Ms. Lehr suggested using the anti-ugly law or adopting an ordinance to take care of this problem;
8. Edna Fisher, 429 East Walnut Street, Lodi, asked about Lincoln School and why the building has never been fixed up. Ms. Fisher was informed that the building belongs to the Lodi Unified School District and may be torn down in the future;
9. Carolyn Ings, 334 East Lodi Avenue, Lodi, expressed her belief that East Lodi Avenue will not remain a residential area for much longer, because the houses are old and no one is putting any money into fixing them up. Downzoning will not make the problem better, and she urged the Council not to downzone the area; and
10. Kevin Suess, member of the East Side Improvement Committee, 727 South Lee Avenue, Lodi, also expressed opposition to the downzoning and recommended the Council not approve the matter and refer it to the Planning Commission.

Public Portion of Hearing Closed

ACTION:

Council Member Davenport made a motion to leave East Lodi Avenue as C-2 zoning, refer the matter back to the Planning Commission so it may look into making a condition that businesses conform to the Business License code and making restrictions in the area of Cherokee Lane to the railroad tracks. The motion **died** for lack of a second.

Further, the City Council, on motion of Council Member Sieglock, Mann second, opposed the introduction of Ordinance No. 1621 to downzone East Lodi Avenue on the north side of the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side, 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial, to C-1, Neighborhood Commercial; look into Council Member Davenport's recommendation (shown above) and

to organize a group, including members of the East Side Improvement Committee, to talk to the property owners by the following vote:

Ayes: Council Members - Davenport, Sieglock and Mann (Mayor)

Noes: Council Members - Pennino and Warner

Absent: Council Members - None

FILE NO. CC-53(b)

- b) Action was taken earlier on the agenda to continue the Public Hearing to November 15, 1995 to consider Planning Commission's recommendation that amendments be made to the portion of Title 17, "Zoning Ordinance" dealing with "On-Premise Signs"; however, Mayor Mann gave those from the public who would not be able to attend the November 15 meeting an opportunity to speak on the matter. There was no one wishing to speak.

FILE NO. CC-53(a) AND CC-171

11. RECESS

Mayor Mann declared a ten-minute recess and the meeting reconvened at approximately 10:30 p.m.

12. PUBLIC HEARINGS (Continued)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to receive report of the cost of abating weeds in front of or on each separate parcel of land where the work was done in the City of Lodi.

Hearing Opened to the Public

There was no one wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Warner, Pennino second, adopted Resolution Nos. 95-130, 95-131 and 95-132 confirming the cost of weed abatement in the City of Lodi during 1995, 1994 and 1993 and providing for collection through the San Joaquin County Auditor's office by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-24(b) AND CC-300

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13. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Warner second, unanimously denied the following Application to Present Late Claim:

1. Jacqueline Lawrence, date of loss 9/16/94

FILE NO. CC-4(c)

- b) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Mann, Davenport second, unanimously granted the following Application to Present Late Claim:

1. Michael Lawrence (a minor), date of loss 9/16/94

FILE NO. CC-4(c)

- c) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Mann, Sieglock second, unanimously rejected the following claims:

1. Kenneth Isaak, date of loss 7/16/95

2. Michael Lawrence (a minor), date of loss 9/16/94

FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Debra Sequeira to Prestige Stations Inc., AM/PM Mini Market, 501 West Kettleman Lane, Lodi, Off-Sale Beer and Wine, Person to Person Transfer
FILE NO. CC-7(f)

- c) The following report was presented to the City Council:

1. Planning Commission report of October 9, 1995
FILE NO. CC-35(c)

14. REGULAR CALENDAR

None.

15. ORDINANCES

None.

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16. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Lori Folweiler, 26 North Washington Street, Lodi, complained about the high amount of drug and gang activity in the area of her residence. There is a big difference between the east and west sides. The street sweeper does not sweep the litter in her area, the noise level is terrible, the concerts at Hale Park are sometimes too loud and not always in good taste and the Police Department doesn't always take care of situations the way they should. She was glad to see the crack down the Police Department did recently and it should be kept up. Ms. Folweiler urged the City Council to make an effort on this problem and not just give "lip service". The City Manager was directed to look into the street sweeping schedule on the east side. The City Council reminded the public what it has done recently for the east side, including but not limited to, the Boys and Girls Club; Hale Park, Neighborhood Watch Program, more Police Officers, anti-ugly ordinance, curfew ordinance, code enforcement and establishment of the East Side Improvement Committee.
FILE NO. CC-16

- b) Roger Stafford, Planning Commissioner, 801 South Mills Avenue, Lodi, stated he was offended by the Mayor's comment that the Planning Commission made a "knee-jerk, emotional decision" regarding the downzoning of East Lodi Avenue. Mr. Stafford informed Council that the Commission spent a lot of time over the years on this issue. Many people feel that there is no need to go to the Planning Commission because the matter will eventually come to the City Council; therefore, the Planning Commission doesn't have the same turn out at their level as Council does. Mayor Mann apologized for the comment and understood the Planning Commission dealt only with the facts that were presented at the time. However, Mr. Mann indicated he saw no evidence that this issue had been on the front burner for years and that any thought was given to alternatives.
FILE NO. CC-16

17. VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Council Member Sieglock made a motion, Davenport second, to continue with the remainder of the City Council meeting following the 11:00 p.m. hour; however, the motion **failed** by the following vote (this matter requires a 4/5 vote of the City Council):

Ayes: Council Members - Davenport, Sieglock and Mann (Mayor)
Noes: Council Members - Pennino and Warner
Absent: Council Members - None

Further, the City Council reconsidered its vote, and, therefore, on motion of Council Member Davenport, Mann second, unanimously determined it would continue with the remainder of the City Council meeting following the 11:00 p.m. hour.

18. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Reminded everyone to be ever mindful of gangs; 2) Encouraged business owners to maintain their properties; 3) Informed the public of the Shirtsleeve Session last Tuesday regarding emergency response concerns. Staff explained that if the City had a power outage it would lose the ability to fight fires due to loss of water pressure. No one has explained, however, why the City did not have a 2 megawatt generator turned on during the power outage, which would solve this problem. It is due to poor engineering that the generators and water towers are not in place; and 4) Welcomed the new City Attorney Randy Hays.
FILE NO. CC-51(d)

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- b) Council Member Sieglock welcomed City Attorney Hays and his family to Lodi.
- c) Council Member Pennino also welcomed City Attorney Hays and reminded everyone to be ever remindful of revitalization.
- d) Council Member Warner welcomed City Attorney Hays. Council Member Warner also explained that the electric utility generator is brought up to power by Northern California Power Agency (NCPA), and, as staff pointed out at the Shirtsleeve Session, it was evident early on that the power outage was going to be a short one. Therefore, there was no need to contact NCPA requesting it bring up the generator.
FILE NO. CC-51(d)
- e) Mayor Mann welcomed Mr. Hays to the City of Lodi. Mayor Mann concurred with Council Member Warner regarding the generator. It was considered carefully and engineering staff did a good job.
FILE NO. CC-51(d)
- f) City Manager Flynn reminded the City Council that Red Ribbon Week begins October 23, 1995 and encouraged everyone to participate. The League of California Cities Annual Conference is next week and the advance committee meetings are on Saturday. Council Member Warner will be representing the City as its Voting Delegate. Further, Mr. Flynn informed the City Council that the Shirtsleeve Session of October 31, 1995 will be to discuss the Sign Ordinance and also a Closed Session regarding performance reviews of the City Council appointees. The meeting may take a little longer than normal.
- g) Council Member Davenport commented that if the City has a 25 megawatt generator and it can be turned on in a short time, then turn it on. If the power is available, then there should be no emergency.
FILE NO. CC-51(d)

19. CLOSED SESSION

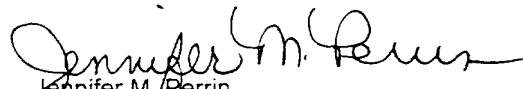
There was **no need** for a Closed Session to discuss the following matter:

- a) Labor Relations - United Firefighters of Lodi (UFL); San Joaquin Public Employees Association (SJPEA) regarding General Services and Maintenance & Operators; Lodi Police Dispatchers Association (LPDA) and Confidential Employees
Negotiator: Personnel Director Joanne Narloch

20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 11:33 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk